



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Fifth and Final Account and Report of Guardians on Termination of Guardianship and Petition for Its Settlement, (2) for Allowance of Compensation and Reimbursement of Costs to Attorneys, and (3) for Order for Delivery of Assets and Transfers From Blocked Accounts [Prob. C. 1600, 2620 & 2640]

Age: 18		WILLIAM D. PRAETZ and EDNA E. PRAETZ, Maternal Grandparents and Guardians, with bond of \$20,000.00, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1-1-11 through 5-31-13	<p>Note: Petitioner submitted a Judgment Settling Fifth and Final Account; however, an Order for Withdrawal of Funds from Blocked Account may also be necessary (MC-358).</p>
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting: \$223,295.34	
<input checked="" type="checkbox"/>	Verified	Beginning POH: \$169,701.21	
<input type="checkbox"/>	Inventory	Ending POH: \$221,512.84 (Cash)	
<input type="checkbox"/>	PTC	Guardians: Not requested	
<input type="checkbox"/>	Not.Cred.	Attorney: \$2,537.50	
<input checked="" type="checkbox"/>	Notice of Hrg	Costs: \$513.00	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioners pray for an order that:	
<input type="checkbox"/>	Pers.Serv.	1. The fifth and final account be settled, allowed and approved;	
<input type="checkbox"/>	Conf. Screen	2. Attorney fees and costs are authorized;	
<input type="checkbox"/>	Letters	3. Petitioners be authorized to transfer funds from the estate's blocked savings account to pay the fees, costs and expenses approved by the Court;	
<input type="checkbox"/>	Duties/Supp	4. Administration of the guardianship estate and this proceeding be terminated and all property and assets be delivered to Sarah F. Scott;	
<input type="checkbox"/>	Objections	5. Petitioners and their sureties be discharged and released from further liability following deliver as directed, filing of receipts, and passage of such time as required by law; and	
<input type="checkbox"/>	Video Receipt	6. Such other and further orders as the Court deems proper.	
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc

Reviewed on: 7-18-13

Updates:

Recommendation:

File 1 – Scott

DOD: 03/11/10		OWEN R. OVERTON , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 06/20/13</u>
		Account period: 06/03/10 – 03/31/13	
		Accounting - \$665,255.84	
		Beginning POH - \$521,763.15	
		Ending POH - \$560,590.84	
Cont. from 062013		Petitioner states that he intends to file a Petition for Final Distribution as soon as the sale of the real property asset of the estate is complete.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Objection to Petition for Settlement of First Account filed 06/14/13 states: 1. Objector objects to Schedule A paragraphs 1, 2 and 3 in that it is incomplete and does not characterize the property of the real estate and the personal property as separate, quasi community or community property. 2. Objector objects to Schedule B regarding the agreement that Ana Overton owes the estate \$11,484.77 for rent while living in her own apartment. Objector is 75 years old and her husband always promised her that she would have the units to live in and have money to live on. Objector felt pressured by Petitioner to make this agreement. Objector, as owner of the property should not have to pay rent to herself. If anything is owed, it would be \$2,871.19 to Owen Overton. 3. Objector objects to Schedule D regarding the sale of personal items in that the items are not described and how the sale price as basis of \$5,655.00 was determined, and when the items were sold the Objector never received a Notice of Proposed Action as required by the Code. 4. Objector objects to Schedule D items described as Involuntary conversion of \$16,108.09 of insurance proceeds as this is too broad and not understandable and should not be allowed. 5. Objector objects to Schedule J, paragraph 2, that she owes \$16,108.09 as it is very vague and lacks specificity for the basis of the claim. 6. Objector objects to Schedule J, paragraph 4 regarding money allegedly owed by Objector. Objector requests: 1. The Court not approve the First Account as presented; 2. The Court make a determination of the estate property as community property; 3. For all other relief the Court may deem just and proper.			Reviewed by: JF Reviewed on: 07/19/13 Updates: Recommendation: File 4A – Overton

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 11 years		TEMPORARY EXPIRES 6/25/2013		NEEDS/PROBLEMS/COMMENTS:	
		NICOLE McGUIRE, cousin, is petitioner.		<p>Continued from 6/25/13. Minute order states father objects to the guardianship. Mother requests time to retain counsel.</p> <p>1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:</p> <ul style="list-style-type: none"> a. Paternal grandfather b. Maternal grandparents 	
		Father: MATTHEW GIBSON – consents and waives notice. Note: Father appeared at the hearing on 6/25/2013 and objected.			
Cont. from 050713, 062513		Mother: KRIS O'BANNON – present in court on 5/7/13.			
	Aff.Sub.Wit.		Paternal grandfather: unknown		
✓	Verified		Paternal grandmother: Pam Garcia – consents and waives notice.		
	Inventory		Maternal grandparents: not listed.		
	PTC		Petitioner states the father was given full custody due to the mom's drug use and now the father has left the child and has started drugs again. The child has no stable adult who can make legal decisions for him.		
	Not.Cred.		Court Investigator Samantha Henson's Report filed on 4/26/2013 states it appears guardianship is necessary and in the best interest of the minor. If further appears that it would be detrimental for the minor to be in the care of either parent given their recent arrests and history of drug abuse. It is therefore recommended that the petition be GRANTED .		
✓	Notice of Hrg		Court Investigator Samantha Henson's Supplemental Report filed on 6/20/13		
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
				Reviewed by: KT Reviewed on: 7/19/13 Updates: Recommendation: File 5A – O'Bannon	

Please see additional page

Declaration of Cindy J. Hopper filed on 6/19/2013 states upon review of the child's mother's criminal records in Fresno County, mother, Kris O'Bannon has been convicted of several drug related crimes.

On 12/28/1998 the mother, Kris O'Bannon was convicted for violation of Penal Code 273a(b) in Fresno Superior Court [misdemeanor child endangerment]. Family Code §3030 states "(a) (1) No person shall be granted physical or legal custody of, or unsupervised visitation with, a child if the person is required to be registered as a sex offender under Section 290 of the Penal Code where the victim was a minor, **or if the person has been convicted under Section 273a**, 273d, or 647.6 of the **Penal Code**, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record. The child may not be placed in a home in which that person resides, nor permitted to have unsupervised visitation with that person, unless the court states the reason for its findings in writing or on the record . . ."

The mother, Kris O'Bannon currently has one outstanding felony arrest warrant issued in Fresno County for second degree burglary, violation date 3/2/2012 and another outstanding warrant issued in Fresno County for possession of a controlled substance and possession of paraphernalia for smoking or injecting.

Probate Code §1514(b) states, in appointing a guardian of the person, the court is governed by Chapter 1 (commencing with Section 3020) and Chapter 2 (commencing with Section 3040) of the Family Code, relating to custody of a minor.

The mother Kris O'Bannon, has been convicted of violation of Penal Code §273a(b) and should not have custody of the minor child or any unsupervised contact with the minor child.

The mother poses a substantial risk of harm to the child based on the foregoing the Court should grant the permanent guardianship and order the mother to have supervised visitation with the minor child as agreed to by the Petitioner.

	FRESNO COUNTY PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 5-15-13.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Order authorizing Sale of Real Property (Former Residence) and Personal Property of the Estate was signed ex parte on 7-15-13.
	Public Guardian also requested authority to sell the proposed conservatee's former residence and retain the services of a licensed real estate broker to assist in the sale, and to sell personal property no longer needed by the Conservatee.	
Cont. from 060513, 061913, 071013	At hearing on 5-15-13, the Court granted conservatorship and ordered counsel appointed for Ms. Togo and continued the matter regarding the sale of her real and personal property. The Court also set this status hearing.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc Reviewed on: 7-18-13 Updates: Recommendation: File 13B – Togo

Ex Parte Petition for Withdrawal of Funds From Blocked Account

Age: 9		MARIA ALVAREZ-GARCIA , Maternal Grandmother, Guardian, and Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <ol style="list-style-type: none"> There is an upcoming status hearing for filing of the Second Account set for 7-23-13. No account has yet been filed. The Court may require accounting prior to consideration of this request. The Court may require clarification and authority regarding the extensive kitchen remodel as a special need of the beneficiary. Petitioner describes certain issues, such as broken cabinets and damage caused by Adam's wheelchair; however, the Court may require clarification regarding the request for sink and mold repair, all new appliances, granite countertops, etc., which appear to be homeowner expenses rather than special needs. Upon settling the first account, the Court ordered that the trust be named as a lienholder on the vehicle purchased with trust funds since it is held individually outside of the trust. However, the Auto Policy Declarations attached to this petition indicate that the trust has <i>not yet been named</i> as a lienholder pursuant to the Court's order. <u>Need proof of lien for trust per Court order 1-30-12.</u> The Court may require clarification regarding the status of the van and the circumstances necessitating the various repairs, including tires and brakes, for the van (2011 Honda Odyssey, approx. 53,000 miles).
Cont. from 071713			
Aff.Sub.Wit.		Petitioner requests distribution of \$33,555.39 for reimbursement/ remodeling/ Adam's necessities, and \$1,124.50 for attorney fees and reimbursement of filing fees.	Petitioner states Adam is almost 10 years old, weighs approx. 103 pounds, and has the mentality of a two-year-old. He is unable to walk, but does crawl, climb, and shimmy across the floor. When he is in his wheelchair, he uses his legs to roll around. Although mentally two years old, he is physically getting older and is more ambulatory.
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202		Funds will be used for items/services including: <ul style="list-style-type: none"> Bissell Carpet Cleaner \$505.53 New mattress for special needs bed \$355.56 Back supports for Petitioner and her husband to assist in Adam's movement iPad suggested by Adam's school \$894.31, plus case \$53.83 Reimbursement for medication \$175.35 Reimbursement for carpet cleaning \$100.00 Reimbursement for car detailing \$165.00 Vehicle services for van \$621.06 New tires for van \$860.51 New brakes for van \$624.84 Insurance for van \$1,199.58 Kitchen repair \$28,000.00 for Adam's benefit (see contractor's quote Exhibit F) 	Petitioner states the current value of the trust is \$155,332.03 with monthly annuity payments of \$1,151.00 for 22 more years. Petitioner states that after disbursements as requested, there are sufficient assets for the trust to continue to provide for the reasonably foreseeable special needs of Adam.
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 7-15-13

Updates:

Recommendation:

File 15 - Carbajal

Age: 14 years DOB: 4/8/1999		TEMPORARY EXPIRES 7/24/2013		NEEDS/PROBLEMS/COMMENTS:	
		BARBARA HUNGERFORD, paternal grandmother, and BRENDA EPPERSON, sister, are petitioners.		This matter will be heard in Dept. 71 at 8:30 a.m. Note: Judge Robert Oliver was disqualified pursuant to C.C.P. 170.6 on 5/21/2013.	
		Father: WILLIAM DAWSON – Deceased.			
Cont. from		Mother: DEBORAH DAWSON – consents and waives notice.		1. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence for: a. William Dawson (paternal grandfather)	
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.			Paternal grandfather: William Dawson Maternal grandfather: Deceased Maternal grandmother: Deceased. Petitioners state the minor and the co-guardian, Brenda had been living with their father until he passed away. Since then they have been living with the paternal grandmother/petitioner Barbara Hungerford. The minor has a learning disability and is in a special education program. She is very stable and happy. Court Investigator Julie Negrete's report filed on 7/18/2013 states it appears to be in the best interest of the minor, Elizabeth Dawson that the guardianship be GRANTED.	
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt			Reviewed by: KT Reviewed on: 7/19/2013 Updates: Recommendation: File 1 – Dawson	
✓	UCCJEA				
	Citation				
	FTB Notice				